

The following is submitted in response to the March 11, 2019 Office Action for Ser. No. 88275517 for the mark PERSONALZ.

I. THE 2(D) REFUSAL HAS NO BASIS AND SHOULD BE WITHDRAWN.

The Examiner issued a 2(d) refusal with Reg. No. 78531734 for the mark PERSONALS (the “Cited Mark”). Applicant respectfully asserts that this refusal has no legitimate basis and should be promptly withdrawn.

A. The Examiner has not established relatedness between the respective goods.

The Examiner asserted that “Frozen confections” falls within the set of “Processed foods.” But the Examiner provided no foundation for this peremptory assertion. Applicant respectfully denies the Examiner’s assertion.

B. The marks are clearly distinguishable in appearance.

Applicant’s mark ends with the letter “Z.” The Cited Mark ends with the letter “S.” The letter “Z,” with its conspicuous and sharp zigzag shape, is entirely absent from the Cited Mark.

C. The marks are clearly distinguishable in sound.

The Examiner asserted that “[t]he marks are essentially phonetic equivalents....” Applicant respectfully asserts that this is incorrect. In fact, the marks are most definitely *not* phonetic equivalents.

The Examiner asserted that “it is impossible to predict how the public will pronounce a particular mark.” Applicant respectfully asserts that consumers will pronounce Applicant’s mark as “personal-ZEE.” That sounds extremely different from the Cited Mark, which consumers pronounce as “person-ALS.”

D. The marks are clearly distinguishable in meaning.

Unlike the Cited Mark, Applicant’s mark has no definition in the English language. Thus, the marks cannot mean the same thing.

In conclusion, Applicant respectfully asserts that the Examiner has failed to establish a confusing similarity between Applicant’s mark and the Cited Mark, and thus there is no basis for the 2(d) refusal. Applicant respectfully requests that the 2(d) refusal be withdrawn.

II. THE IDENTIFICATION OF GOODS IS FINE AS IS.

Applicant respectfully asserts that the Examiner’s requested amendments to the identification of goods are unnecessary, as the existing language has sufficient clarity.

III. THERE IS NO NEED TO PROVIDE ASSIGNMENT INFORMATION.

There has been no assignment. In requesting to amend the applicant name, Applicant was merely editing typos in the application. Such typos were mere inadvertent errors.